

CHAPTER 10  
PUBLIC NUISANCES  
VILLAGE OF SLINGER, WASHINGTON COUNTY, WISCONSIN

**ARTICLE 10.00 PUBLIC NUISANCES**

**10.01 PUBLIC NUISANCES PROHIBITED.**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance.

**10.02 PUBLIC NUISANCE DEFINED.**

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (A) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (B) In any way render the public insecure in life or in the use of property;
- (C) Greatly offend the public morals of decency;
- (D) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

**10.03 PUBLIC NUISANCES AFFECTING HEALTH.**

The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 10.02.

- (A) Adulterated Food. All decay, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (B) Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (C) Breeding places for vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (D) Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- (E) Privy vaults and garbage cans. Privy vaults and garbage cans which are not fly-tight.
- (F) Noxious weeds. All noxious weeds and other rank growth of vegetation, and all weeds, grasses and plants over 12 inches in height which:
  - 1. Detract from the surrounding area and properties.
  - 2. Become a possible fire hazard as determined by the Village.
  - 3. Become a health hazard due to their pollen or might be a cover for disease-carrying rodents and other small animals.

4. Are of infectious or poisonous nature in or adjacent to a populated area, regardless of height.
5. Become a potential hazard to vehicular traffic, in vision clearance triangles.

This subsection does not include trees, shrubs or noxious weeds as described in S94.20 and S94.38, Wisconsin Statutes.

- (G) Water pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (H) Noxious Odors, etc. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical sense of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- (I) Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- (J) Air pollution. The escape or smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village; provided this subsection shall not prohibit the emission of dense smoke for not more than 5 minutes in any hour from public buildings, schools, apartments, churches, and industrial or commercial buildings and for not more than 3 minutes in any hour from one and two family residences. Dense smoke shall be smoke which is of a degree of density of number 3 of the Ringlemann scale or which is too dense to be seen through when viewed directly over the top of a stack or chimney.
- (K) Open Cisterns. All cisterns, wells, and excavations not securely covered or secured from public use.
- (L) Storage or waste tires. The storage or accumulation of waste tires that are determined to be no longer suitable for their original purposes because of wear, damage or defect located within the Village of Slinger shall be regulated as follows:
  1. Exception. A firm located within a business district conducting a permitted business use whereby new tires are an integral part of the operation may store waste tires not to exceed one hundred (100) at any one time in an approved enclosed area properly fenced and screened from public view.
    - a) The Fire Department of the Village is hereby designed as the approving and inspecting authority in the enforcement of this ordinance for the protection of health, safety and welfare of the public.

#### **10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency within the definition of Section 10.02:

- (A) Disorderly houses. All disorderly houses, bawdy houses, houses of ill-fame, and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or forms of gambling not permitted by Wisconsin State Statutes.
- (B) Gambling devices. All gambling devices and slot machines.
- (C) Unlicensed sale of liquor and beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or licenses as provided for by the ordinances of the Village.
- (D) Continuous violation of Village ordinances. Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are only, continuously, repeatedly and intentionally violated.
- (E) Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws or Village ordinance.

#### **10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.**

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 10.02.

- (A) Signs, billboards, etc. All signs and billboards, awnings and other similar structures over or near street, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (B) Illegal buildings. All buildings erected, repaired or altered within the Village in violation of the Village ordinances and state law relating to materials and manner of construction of buildings and structures within such district.
- (C) Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.
- (D) Obstruction of Intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (E) Tree Limbs. All limbs of trees which project over and less than 13.5 feet above any public sidewalk or street or less than 10 feet above any other public place.
- (F) Dangerous trees. All trees which are injurious to public health or safety because of a diseased or damaged condition; and the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.

- (G) Fireworks. All use or display of fireworks except as provided by State Laws and Village ordinances.
- (H) Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (I) Wires and cables over streets. All wires and cables over streets shall comply with the rules governed by the State of Wisconsin as to height and uniformity.
- (J) Noisy animals or fowl. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- (K) Obstruction of streets; evacuations. All obstructions of streets, alleys, sidewalks or crosswalks, and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.
- (L) Unlawful assemblies. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets and sidewalks.
- (M) Materials and equipment. All dilapidated, inoperable machinery, rotting, dilapidated or unsightly matter and trash of any kind, except that any items as above enumerated which the owner has declared and pays personal property tax on.

## **10.06 WEED CONTROL**

### **(A) PURPOSE:**

A variety of landscapes adds diversity and richness to the quality of life in the Village of Slinger. There are also expectations regarding the maintenance and appearance of landscapes which, if not met, may decrease the value of nearby properties, degrade the natural environment, or threaten public health and safety. It is therefore in the public interest, and the intended purpose of this section, to provide standards for the development and maintenance of the community's landscapes, whether corporate, private, or public.

The Village recognizes that the majority of landscapes consist of managed turf grass. However, the Village encourages the preservation and planting of wildflowers and other native plants in managed landscapes to reduce maintenance, conserve water, soil, and other elements of the natural community.

The Village acknowledges the need to enjoy and benefit from the variety, beauty, and practical values of natural landscapes, and allows natural landscaping as an alternative to conventional landscaping.

It is also the intent of this section to prevent landscaped areas from being unmanaged or overgrown in ways that adversely affect human health or safety, or create a nuisance due to their visual appearance. It is the express intent of this section that it shall be unlawful to allow the growth of noxious weeds, certain prohibited plants, and the rank growth of vegetation.

**(B) DEFINITIONS**

1. Noxious Weeds and Plants shall be defined in Wisconsin Stats. 66.0407
2. Noxious Weeds and Plants shall also be defined as any growth of weeds or grass that constitute a public nuisance as defined in Section 10.03 (F), except in areas designated as “Natural Landscaped Areas” in accord with Section (B) 4, and (D) below.
3. Destroy. The Complete killing of weeds or the killing of weed places above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage.
4. Lawn or Turf Grass. Grass commonly used in regularly cut lawns or play areas such as, but not limited to, bluegrass, fescue and rye grass blends. In lawn or turf areas, grass shall not exceed 8 inches in height.
5. Natural Landscaped Areas. A land area planted and managed to preserve or restore native Wisconsin grasses and forbes, native trees, shrubs, wildflowers and aquatic plants, or a combination thereof. In such areas, grasses and forbes may exceed 8 inches in height.

**(C) GENERAL LAWN AND LANDSCAPING MAINTENANCE REQUIREMENTS**

The owner or occupant of any lands in the Village shall install and maintain landscaping, plantings and other decorative surface treatments, including turf grass, so as to present an attractive appearance in all court and yard areas in accordance with generally accepted landscaping practices in southeastern Wisconsin.

Lawns shall be maintained to a height not to exceed 8 inches.

Exceptions to these requirements include natural landscaped areas as described in Section (D) below, and areas which are heavily wooded without lawn or turf grass within the heavily wooded areas.

Plantings shall be maintained so as not to present hazards or a nuisance to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and the Village.

**(D) NATURAL LANDSCAPED AREAS**

Natural Landscaped Areas as defined above in Section (B) 4, where grasses and forbes may exceed 8 inches in height may be permitted in accord with the following procedures and requirements:

1. Applicability. Natural landscape areas may be permitted in all residential, commercial, industrial and institutional zoning districts in accord with the procedures described in this Section D. However, the following zoning districts are exempt from the procedures described in this Section D because of circumstances unique to such districts: Park & Recreation Districts, Conservancy Districts, Floodplain Districts, Wetland Districts, and Planned Unit Development Districts (PUD's).
2. Prior to installation, the owner or occupant of the premises shall apply to the Village Engineer who shall provide applicants with an application form and a copy of this section. A scaled plan of the subject lot or parcel shall be submitted showing the area to be planted, and a description and location of the seeds, forbes, trees, shrubs, or other plantings to be installed. The plan should also include a statement of intent and purpose of the Natural Landscaped Area, such as "Prairie Restoration", "Old field Succession to Woodland", "Natural Meadow", "Erosion Control", Bird & Wildlife Sanctuary", etc., which implies a management direction. The management and maintenance techniques to be employed should be described in the statement of intent. The plan shall be accompanied by a fee of \$100.00 and the application form shall be signed by the property owner. The Village shall review the plan and act to approve it, deny it, or approve it with conditions within 30 days of its submittal. The plan review shall be done by a committee consisting of the Village Engineer, Planner, Fire Chief, a Planning Commission member, and a member with appropriate knowledge of natural landscape materials. A permit for installation of Natural Landscaped Areas may be issued by the Village Engineer only after review and recommendation by the Committee.
3. Natural Landscaped Areas may be located only in rear and side yards, and shall not be located in any street yards.
4. Natural Landscaped Areas shall be set back a minimum of 5 feet from adjacent lot lines and from public or private street rights-of-way to provide a perimeter buffer area around natural landscape areas. The perimeter buffer area shall contain lawn or turf grass which is maintained and mowed, or may be heavily wooded areas. The perimeter buffer areas are intended to minimize any adverse impact on adjacent property owners or occupants, or to street rights-of-way.
5. Natural Landscaped Areas shall not be located within public utility easements, drainage easements, drainage swales or public street rights-of-way.
6. Natural Landscaped Areas shall not contain noxious weeds or plants as described in Section (B)1.
7. Natural Landscaped Areas which do not comply with either an approved plan or with the requirements of this section shall be determined to be a public nuisance, and the Village may order the nuisance abated in accord with Section 10.10.

8. Natural Landscaped Areas which existed prior to (the date of adoption of this section) may be continued where they comply with the requirements of this Section. Such areas which do not comply because of their location or other characteristics shall be considered to be non-conforming uses and may be continued but shall not be enlarged, extended or expanded to increase their degree of non-conformance.
9. If the subject property is sold or transferred to a new owner(s), a new Natural Area Plan shall be submitted for review and approval as described in Section D. 1.

**(E) WEED CONTROL**

1. Property owners are required by law to destroy all noxious weeds and other rank growth of vegetation as defined here in, on lands in the Village which he/she owns, occupies, or controls; including lands in street rights-of-way between the property line and the roadway pavement.
2. **Penalty**  
Any person who violated any provisions of this ordinance shall be subject to a penalty as provided in the Municipal Code, Chapter 21.04, with each day being a new & separate violation. First offense, forfeiture of not less than \$5.00 nor more than \$500.00. Deposit, \$75.00. Second offense, forfeiture of not less than \$10.00 nor more than \$500.00. Deposit \$150.00
3. **Notification**  
The Village Clerk shall annually, on or before May 15, publish a Class 2 notice, under Chapter 985, Wisconsin Statutes, that every person is required by law to destroy all noxious weeds and other rank growth or vegetation, as defined herein on lands in the Village which he owns, occupies or controls, including lands in the street right of way between the property line and the road pavement.

**10.10 ABATEMENT OF PUBLIC NUISANCES**

- (A) **Enforcement.** The Chief of Police, the Chief of the Fire Department, the Building Inspector and the Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisances unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does in fact exist.
- (B) **Summary abatement.** If the inspecting officer determines that a public nuisance exists within the Village and that there is a great and immediate danger to the Public health, safety, peace, morals or decency, the President may direct the proper officer to cause the same to be abated and charge the cost thereof to the

owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

- (C) Abatement after notice. If the inspecting officer determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisances to be removed as provided in Sub. (12).
- (D) Other methods not excluded. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.
- (E) Court order. Except when necessary under Sub. (B), no officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

#### **10.11 COST OF ABATEMENT**

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance. The cost of debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the property as a special charge.

#### **10.20 PENALTY**

Any person who maintains a nuisance as defined in this Chapter or who violates any provision of this Chapter or any regulation, rule or order made here under shall be subject to a penalty as provided by this municipal code.